

FINAL



WEARE BOARD OF SELECTMEN
MEETING MINUTES
May 1, 2006

PRESENT: HELEEN KURK, VICE CHAIRMAN; DONNA M. OSBORNE, SELECTMAN; JOSEPH M. FIALA, SELECTMAN; TOM CLOW, SELECTMAN

TOWN ADMINISTRATOR:

RECORDING SECRETARY: Cherry Palmisano

GUESTS: Greg Begin, Andrew Shortt, Joseph Kelley, Jr., Evelyn Connor, Frank Hebert, James Carney, Chantel Ahearn, Cailynn Carter, Jene Kelley, Suzanne Ahearn, Jon Osborne, Josh Guay, Chad Clark, Donna Matheson, Joshua Lussier, Kenneth Cox, Theresa Petrillo DeLamater, Don Lyons, Bill Eastman, Lou Clatel, Carl Knapp, George Malette, Frank Campana, Ginger Esenwine, Forrest Esenwine

Vice Chairman Kurk moved, Selectman Fiala seconded, to enter into nonpublic session @ 6:05 p.m. pursuant to the authority granted in RSA 91-A:3II(b). A roll call vote was taken. Selectman Clow - yes; Selectman Osborne - yes; Selectman Fiala - yes; Vice Chairman Kurk - yes. Passed 4-0-0.

Present during the non public meeting were: Vice Chairman Kurk, Selectman Clow, Selectman Osborne, Selectman Fiala, Greg Begin, Andrew Shortt and Joseph Kelley. The purpose of the non public was to hire Andrew Shortt and Joseph Kelley as Police Officers.

Selectman Fiala moved, Selectman Osborne seconded, to come out of nonpublic session @ 6:10 p.m. A roll call vote was taken. Selectman Clow - yes; Selectman Osborne - yes; Selectman Fiala - yes; Vice Chairman Kurk - yes. Passed 4-0-0.

6:12 Vice Chairman Kurk called the meeting to order.

Joseph Kelley, Jr., from Deering, NH and Andrew Shortt from Deering, NH were sworn in as Police Officers for the Town of Weare by Town Clerk Evelyn Connor.

Vice Chairman Kurk announced the Public Hearing to talk about the Town Administrator has been cancelled and will be rescheduled at a later date.

Vice Chairman Kurk announced the 2003 Levy Year Deeding List discussion has been postponed for Monday, May 8 at 4:00 p.m.

Vice Chairman Kurk reminded the Board of the meeting on Thursday, May 4 at Bolton Field to talk about the ball field lot lines.

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1. MANIFESTS

Vice Chairman Kurk moved, Selectman Osborne seconded, to authorize the Board of Selectmen to sign Manifest and order the Treasurer to sign checks dated May 4, 2006. Passed 4-0-0.

Accounts payable	\$13,121.03
Gross Payrolls	<u>\$29,977.38</u>
Total	\$43,098.41

2. MEETING MINUTES

Selectman Fiala moved, Vice Chairman Kurk seconded to approve the minutes of April 17, 2006 as amended. Passed 4-0-0.

Vice Chairman Kurk moved, Selectman Osborne seconded to approve the minutes of January 25, 2006 as amended. Passed 3-0-1. Selectman Clow abstained.

Vice Chairman Kurk moved, Selectman Fiala seconded to approve the minutes of April 12, 2006 (combined with PARC) as amended. Passed 4-0-0.

Vice Chairman Kurk moved, Selectman Fiala seconded to approve the minutes of April 20, 2006 (combined with PARC) as amended. Passed 3-0-1. Selectman Osborne abstained.

3. PUBLIC PARTICIPATION – Mr. Bill Eastman, resident of River Road, asked BOS if they received copies of the letters he received from the Planning Board. Mr. Eastman stated he was before the Board because of illegal tree cutting on his land by an abutter. Vice Chairman Kurk said Mr. Eastman received a letter on March 22, 2006, per order of the Code Enforcement Officer, to stop work on the northerly end of Chuck Street. Vice Chairman Kurk said Mr. Eastman received a second letter on April 4, 2006 rescinding that order because the Building Department was satisfied with surveying of the land done by Art Siciliano.

Mr. Eastman stated he never received a letter of intent to build and he is an abutter. Mr. Eastman said he is a concerned citizen complaining his land was cut without his permission and he does not feel he should have to pay for legal counsel. Mr. Eastman informed the Board the police and Mr. Knapp came to see him last Sunday. Vice Chairman Kurk said Mr. Eastman has not received the satisfaction he wants regarding trees being cut. Vice Chairman Kurk said this is a civil issue and should not involve the BOS. Mr. Knapp said initially it was flagged and trees were cut prior to the actual pins being set. Mr. Knapp measured from River Rd. and Chuck Street and in his opinion it appeared the flagging was not correct. Mr. Knapp went back after the pins were set and measured from the middle of the Road, which is how the deed reads; if you measure the actual pins it is actually smaller than what the original deed says. Mr. Knapp said it is a civil matter. It was discussed there were trees cut prior to the actual pins being set. The original flagging was not correct which lead to the trees on Mr. Eastman's property being cut. Art Siciliano, a surveyor, went to the property and properly surveyed it. Mr. Knapp said he measured it 2-3 times and it is accurate. Mr. Eastman said 90 feet from the stone wall from the east is where his property line is. Selectman Fiala is unsure what Mr. Eastman would like the BOS to do. Mr. Knapp, Mr. Meany and a gentleman from High Rock Development did the measuring. Selectman Fiala said they need to rely on the Code Enforcement Officer. Mr. Eastman said Mr. Meany went down but never stepped foot on his property. Vice Chairman Kurk said she realizes this is very upsetting to Mr. Eastman but this is a civil matter. It is a neighbor issue that they need to fix. Mr. Knapp said the dimensions on the lot are what it says on the deed. Vice Chairman Kurk said in any event the BOS cannot handle this matter.

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4. DEPARTMENT HEAD – Mr. Knapp informed the Board he is still waiting for an answer on what to do with his broken equipment because he doesn't want to take any of it apart if they do not have the money to fix it. Mr. Knapp told the Board the 1 ton needs a new transmission. Mr. Knapp said once the grader is apart it will take up the whole garage. The grader will cost \$5,000-\$6,000 and there is \$2,000 in that equipment line. Vice Chairman Kurk said Selectman Clow has been working on the money situation. Selectman Clow doesn't think the best way to go is to use the default budget and feels the default budget is unfair because it does not affect all departments equally percentage wise. Selectman Clow said they need to look at reducing all departments' budgets by 2.5% to make up the \$100,000. Selectman Clow stated they will have funds from the Town Administrator line because they will only need to pay for 2/3 of the year. Selectman Clow said there is unanticipated income from Comcast and suggests only using this money for emergencies, like fixing the grader, but he said everyone needs to look at the numbers and discuss things further before they can make a decision. Mr. Knapp said at this time they have no machine to sweep the roads and are currently trying to set up the broom on a truck to make it work. Vice Chairman Kurk said they will be meeting on Monday and will discuss this further. Mr. Knapp said he needs to plan on what equipment he will have for the summer. Mr. Knapp says the 1 ton he uses everyday will cost \$1,800 to get fixed he only has \$850 in the line for P3. Selectman Fiala mentioned the savings on salaries down at the highway department because they are short some employees.

Mr. Knapp said Dave Hathaway will be out indefinitely and Dave Hewey will be out for 10 weeks for shoulder surgery. Mr. Knapp has received applications and is trying to hire someone. Mr. Knapp said some of his employees have 4-5 weeks vacation because they have been here so long and they can't take vacation in the winter because of plowing. Mr. Knapp said the water main needs to be taken care of for the new well. Vice Chairman Kurk asked the Board to all discuss the budget situation on Monday after the deeding meeting. Vice Chairman Kurk said she understands they need the grader and would like to find the funds as soon as possible. Mr. Knapp said they are going to try and make the broom work on some equipment. Mr. Knapp said he needs to have the grader fixed before the fall. The bulldozer needs new tracks. Mr. Knapp said he is extremely concerned about the fuel line. He anticipated \$2.75 per gallon in fuel when he did his budget but the cost of fuel keeps rising. Mr. Knapp said he ordered gas 2 weeks ago and hasn't received it yet because the gas needs to have ethanol in it and the supplier is swapping their tanks. It was discussed the Highway Department uses diesel but the Police Department uses the gas.

Vice Chairman Kurk informed Mr. Knapp, Chief Begin put together a no parking ordinance for us to look at.

Vice Chairman Kurk opened the public hearing at 7:00 p.m.

5. PUBLIC HEARING – To receive public testimony and comment on “No Parking” on East Road and also “No Parking” on Sugar Hill Road (by the Sugar Hill Speedway). Mr. Knapp said they have discussed that there will be no parking from East Road to Charding Mill at any time on both sides of the road. Vice Chairman Kurk wants to be clear that no parking means any parking even for residents that live there. Selectman Clow is concerned with no parking on both sides of the road and is concerned with crippling school functions with no parking. Selectman Clow said during the construction this is going to make things very difficult and there is live parking going on there now because parents cannot wait for their children down by the old fire station like in the past. Selectman Clow feels they should consider having no parking on only one side. Mr. Knapp said if they are going to have just no parking on one side then he suggests no parking on the north side (library side). Mr. Knapp agrees with Selectman Clow. Vice Chairman Kurk said they do not need to make the decision tonight but maybe they can just say no parking on the north side until the construction is done. Mr. Knapp said in the future there won't be a need to park on the street.

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Mr. David Hewey lives on East Road, and would like to suggest there be no parking from the second entrance of the school to Charding Mill on both sides of the road and would like to see it posted as soon as possible for safety.

Selectman Fiala feels this would be the best solution for this time until the construction is done.

Mr. Frank Campana does not have a specific question about the posting but would like to know why there is not a representative from the Police Department here to answer legal questions regarding the enforcement of the parking ordinance. Vice Chairman Kurk informed Mr. Campana there is a function being held down at the Safety Complex. Mr. Campana does not feel that is appropriate because the meeting has been posted for weeks.

Mr. Knapp discussed Sugar Hill Road and feels that 500-700 feet from the entrance of the speedway would be sufficient to post for no parking. Mr. Knapp doesn't feel this is an issue. Mr. Forrest Esenwine is surprised the residents from the area of Sugar Hill are not present since they were there at the Planning Board level. Mr. Esenwine said the residents concerns were well founded at the Planning Board level. Mr. Esenwine said the Speedway is looking to make improvements to bring in more people and feels it makes sense to post the area at this time. Vice Chairman Kurk said she remembers the meeting and all the residents as well as the man who owns the speedway were in favor of no parking.

Selectman Osborne asked Mr. Knapp how many signs he would need. Mr. Knapp said they would need 8 -10 on East Street on each side. It was discussed each sign costs \$15 plus the post. Selectman Osborne asked where the money will come from. Selectman Fiala is in favor of fewer signs. Mr. Knapp said they can try to get away with fewer signs.

Mr. Knapp said they need to discuss the ordinance at a later date. Vice Chairman Kurk said she feels residents are unaware of the ordinance they have and they need to find a way to communicate them to the public.

Vice Chairman Kurk closed the public hearing at 7:20 p.m.

Selectman Fiala moved, Selectman Osborne seconded to authorize the Highway Department to post East Road for no parking on both sides between the eastern most entrance of the WMS to Carding Hill Road. Passed 4-0-0.

Selectman Fiala said he is in favor of having the ordinance but not putting up a lot of signs. Vice Chairman Kurk is concerned if no signs are posted and the problem starts then people could say they are unaware.

Selectman Fiala moved, Vice Chairman Kurk seconded to authorize the Road Agent to post the area 500 ft on either side of the Sugar Hill Speedway entrance on Sugar Hill road for no parking. Passed 4-0-0.

Vice Chairman Kurk would like to discuss the need for all committees and commissions to have their minutes into the town within 144 hours as required by law. Vice Chairman Kurk informed the Board Ms. Connor is willing to print the minutes from her email address instead of having the committees bring them in personally. Vice Chairman Kurk asked the Board how they can enforce the need for the minutes to be submitted. Vice Chairman Kurk feels if they are responsible for happenings in town then they should be informed by reading all the minutes. Selectman Osborne said if the committees all know they can email the minutes instead of bringing them in personally then this might help. Vice Chairman Kurk said her thought was the committees in which a Board member sits on can be responsible for reminding the committees and see that the minutes are submitted. Selectman Clow said they should inform all the committees but remember these committees are made up of

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mostly volunteers. Vice Chairman Kurk said the BOS is responsible for these committees having their minutes submitted within 144 hours of there meetings.

Mr. Esenwine said the statutes says the minutes have to be made available within 144 hours not necessarily in final form and just made available not necessarily submitted to the Town Clerk. Vice Chairman Kurk will look into it further but her understanding is the minutes need to be submitted to the Town Clerk. Vice Chairman Kurk asked Mr. Esenwine if he was saying that for instance the Planning Board minutes do not reside in the Town Clerk's office. He said no but if they have an office available within the town office then it does not need to go to the Town Clerk but once the minutes are approved in the final form then they need to go to the Town Clerk. Mr. Esenwine said he is unsure the Planning Board and ZBA need to submit their minutes because it is not a requirement that the BOS receive the minutes from every meeting because they are available in the departments within the building.

Mr. Malette said the minutes really only need to be made available but not have to go to the Town Clerk's office. Mr. Malette suggested a signed letter be sent to the Committees/Commission requesting a draft of the minutes of their meetings and have them cc to the Town Clerk. Mr. Malette feels all minutes should be on the town website and the letter should state what application would be best to submit the minutes electronically to post them on the town website. Mr. Malette said a lot of the committees put there changes on the draft of the minutes of the next meeting. It was discussed the final minutes will go on the town website.

Vice Chairman asked the Board how they felt about a letter being sent to all Committees/Commissions. The Board all agreed and Vice Chairman Kurk will draft a letter.

Swearing in, Evelyn Connor has a list of all the committee members, the form needs to be signed by all BOS members. Evelyn would like to go to all committees and swear in all current members then as new members come in they will have to go to her office to be sworn in.

Vice Chairman Kurk mentioned liability insurance and said some non profits have liability insurance and some do not. Vice Chairman Kurk has had a lot of discussions with Primex and one of her concerns was most of the entertainment in town comes from non profit organizations, technically unless the town is held harmless when different events go on then the town can be sued if there is an accident. Vice Chairman Kurk asked Primex if it was possible to cover all the non profits. There is no such policy and all non profits have to have there own insurance. Vice Chairman Kurk said all organizations need to have liability insurance to hold the town harmless and have a copy of the policy in the Selectmen's office. Vice Chairman Kurk said WAC has coverage and the football league has coverage, the patriotic celebration parade needs to be covered (the carnival and the fireworks both have coverage).

Vice Chairman Kurk read a letter from Primex stating each organization needs to have its own coverage and certificate of proof so the town is not held liable, however, it is up to the BOS to decide on the need of coverage for specific events. Vice Chairman Kurk said a representative from Primex is willing to come and discuss the liability insurance needs with the Board. The Board discussed the fact they want the non profits to be able to hold events within town but requesting them to have liability insurance forces them to not be able to hold the event because of the cost of insurance. Selectman Clow said the town does have insurance and if the incident has nothing to do with the town portion being overseen by the BOS. It was discussed if the non profit organization does not have coverage and something happens then the town is not held liable and the town does not have coverage for this incident. Vice Chairman Kurk said they do have a responsibility to cover the town. Vice Chairman Kurk would like the Board to think about the issue.

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Mr. Esenwine said Goffstown Fish and Game is non profit they carry insurance which costs them \$3,000 a year, which covers all members and guests and also covers general public who attend a function being held by the fish and game but if they let someone rent their facility then they are not covered. Vice Chairman Kurk would like the BOS to digest their thoughts on the issue. The Board all agreed to have Wayne Whitford from Primex come in and discuss the situation.

Vice Chairman Kurk informed the Board the Director of CERT would like the Board's permission to have lights on vehicles in case of emergencies which warrant the use of the lights. The BOS need to approve the use of the lights. Selectman Osborne said she is in favor of the idea. Vice Chairman Kurk said he is asking for permission to allow CERT members to have these lights. It was discussed there are penalties if the lights are used inappropriately. Mr. Knapp feels placing lights on personal vehicles is not a great idea. Vice Chairman Kurk will ask the CERT director to come and discuss this with the Board.

Selectman Fiala will schedule a meeting with PARC to discuss the skateboard park.

Director of PARC job description needs to be discussed by the Board on May 15, 2006.

Vice Chairman Kurk said Chairman Methot sent a memo regarding keys and air conditioners. Vice Chairman Kurk said they discussed in the past having a new lock with 75 keys installed at an estimated cost of \$1,200 to come out of the Capital Reserve Fund.

Selectman Fiala moved, Selectman Osborne seconded to authorize the expenditure of \$1,200 from the Capital Reserve Fund to purchase new lock and keys for the Town Office. Passed 4-0-0.

Mr. Knapp said it is a great idea to change the lock system on the building but will suggest they come up with a new system to have keys made because he is the only authorized person to get keys made at this time.

Vice Chairman Kurk said Chairman Methot asked that the issue of an air conditioner for the Selectman's office be brought up. The office where Merry Rice is located needs a new air conditioner. The estimated cost is \$600 and will come out of the Capital Reserve Fund.

Selectman Clow moved, Selectman Osborne seconded to expend \$600 from the Capital Reserve Fund to purchase a new air conditioner for the Secretary of Selectmen. Passed 4-0-0.

Vice Chairman Kurk informed the Board the Health Officer, Donna Meuse, will be going out of town May 15-19 for a conference and asked if Vice Chairman Kurk could handle any emergencies. It was discussed Vice Chairman Kurk will handle small emergencies but if a substantial emergencies was to arise they could contact Ms. Meuse at the conference.

Mr. Burton Reynolds, Town Administrator in New Boston, contacted Vice Chairman Kurk to inform her that their Code Enforcement Officer has resigned and asked if there is a real emergency could Mr. Meany fill in. Vice Chairman Kurk informed the Board Mr. Meany said as long as the Board approved it he could help out on his own time. The Board all agreed it would be fine as long as it was on Mr. Meany's time.

Vice Chairman Kurk asked Selectman Osborne to call Naomi Bolton to remind everyone about the meeting on May 4th at Bolton Field.

Vice Chairman Kurk said they really need to have a conversation on goal setting and would like to discuss them on May 15, 2006 and stated it is their responsibility to inform the public of their goals.

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Selectman Clow moved to adjourn, Vice Chairman Kurk seconded. Passed 4-0-0.

6. ADJOURNMENT

A True Record.

Cherry Palmisano, Recording Secretary